
REMARKS

Claims 1-39 are currently pending and under consideration. A clean version of all pending claims is found at pages 2-8 of this Reply. A marked-up version of claim amendments is found on pages 12-13 of this Reply. Favorable reconsideration of the subject application is respectfully requested in view of the amendments and following comments.

I. Rejection of Claim 29 Under 35 U.S.C. 112

Claim 29 stands rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons.

Claim 29 has been amended to include means for receiving factory automated components status information over the Internet. This amendment does not introduce new matter; support for this amendment can be found in the specification at page 4, lines 17 and 18. Accordingly, this rejection should be withdrawn.

II. Rejection of Claim 26 Under 35 U.S.C. 112

Claim 26 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 has been cancelled herein. Accordingly, this rejection should be withdrawn.

III. Rejection of Claims 26-28 Under 35 U.S.C. 101

Claims 26-28 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons.

Claim 26 has been cancelled. Accordingly, this rejection is moot with respect to Claim 26. §2106 of the Manual of Patent Examining Procedure (MPEP) provides, in pertinent part:

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory).

Claims 27-28 have been amended to more explicitly reference the status periodic message residing in computer memory. Under *In re Lowry*, *supra*, claims 27-28 are directed to statutory subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 1-39 Under 35 U.S.C. 102(b)

Claims 1-39 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ogushi, *et al.* (EP 0822473). Withdrawal of this rejection is respectfully requested for at least the following reasons.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claims 1, 10 (as amended), 18, 27, 29 (as amended), 30, 34 (as amended) and 39 recite periodic factory automation status information or messages. Ogushi neither discloses nor suggests periodic factory automation status information or messages.

The factory host computer of Ogushi detects occurrences of trouble of the industrial equipment and notifies the vender side of status information representing a trouble state (P.I.). Thus, under Ogushi, status information is only sent when an occurrence of trouble is detected.

The subject invention as claimed provides for periodic status information or messages, which can be used by a receiving site, for example “to recognize whether product upgrades are

available, whether maintenance should be scheduled, or that there might be a safety issue or application solution that might be helpful to a customer.” (p.3, lines 23-25). As Ogushi does not disclose or suggest periodic factory status information or messages, Ogushi does not anticipate the subject invention as recited in claims 1, 10, 18, 27, 29, 30, 34 and 39 and claims 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 28, 31, 32, 33, 35, 36, 37 and 38 which depend there from. Accordingly, this rejection should be withdrawn.

V. Conclusion

The present application is believed to be in condition for allowance in view of the above amendments and comments.

If any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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MARKED UP VERSION OF CLAIMS TO SHOW CHANGES

In the Claims:

Please amend the claims as follows:

10. (Amended) An Internet business communication system, including:
a website adapted to be employed by a vendor for periodically receiving factory automation component status information over the Internet from a plurality of factory components residing at one or more customer sites, each component having a different IP address, the website matching component information residing at the vendor's website with the IP address of the component and providing this information to the vendor.

Please cancel claim 26.

27. (Amended) [An electronic signal adapted to be transmitted between at least one site of a customer and a site of a vendor,] A computer memory, comprising:
a periodic status message provided by a factory automation component, the status message including health information relating to the factory automation component, the factory automation component having an IP address.

28. (Amended) [The signal of] The computer memory of claim 27, [wherein the site of the] further comprising a vendor [is a] website which matches the IP address of the component with customer identification information and component location information.

29. (Amended) An Internet business communication system, including:

means for periodically receiving factory automated component status information over the Internet; and

means for matching a factory automated component location and customer identification information with status information provided by the factory automated component over the Internet, the status information including information relating to the health of the component wherein the component is located at a site location of a customer and communicates status information to a site of a vendor.

34. (Amended) A system for monitoring factory automated components electronically, comprising:

a central server adapted to periodically receive status information from one or more factory automated components located at one or more customer sites, the central server being located at a site of a vendor, wherein the server is configured to match component status information to customer identification information and component location information of the one or more factory automated components and output this information to the vendor.